

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Criminal No. 07-439(6) (JNE/SRN)  
ORDER

Marco Jeanpierre,

Defendant.

In October 2008, a jury convicted Marco Jeanpierre with one count of conspiracy to distribute 50 grams or more of cocaine base, nine counts of distribution of crack cocaine, and one count of felon in possession of a firearm. In April 2010, the Court sentenced him to 240 months' imprisonment. Jeanpierre appealed, and the Eighth Circuit affirmed. *United States v. Jeanpierre*, 636 F.3d 416, 422 (8th Cir. 2011). Subsequently, Jeanpierre moved for post-conviction relief under 28 U.S.C. §2255, which the Court denied. *United States v. Jeanpierre*, No. 07-cr-439(6) (JNE/SRN), 2012 WL 4898182 (D. Minn. Oct. 16, 2012).

This case is before the Court on Jeanpierre's motion to reduce his term of imprisonment pursuant to 18 U.S.C. § 3582(c)(2) (2006). To support his motion, Jeanpierre relies on the Fair Sentencing Act, which took effect on August 3, 2010. But "the Fair Sentencing Act does not apply retroactively to defendants who were sentenced before August 3, 2010, and who seek a reduction in their sentences under section 3582(c)(2)." *United States v. Reeves*, No. 12-3317, 2013 WL 3155945, at \*3 (8th Cir. June 24, 2013). Because Jeanpierre was sentenced before August 3, 2010, the Fair Sentencing Act does not apply retroactively to him. The Court therefore denies Jeanpierre's § 3582(c)(2) motion.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT  
IS ORDERED THAT:

1. Jeanpierre's motion to reduce his sentence [Docket No. 1103] is DENIED.

Dated: June 27, 2013

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge